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9 *Attorneys for Plaintiff*  
10 *and the Putative Classes*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 CHRISTOPHER NELSON, on behalf of  
14 himself and all others similarly situated,

15 Plaintiff,

16 vs.

17 WAL-MART ASSOCIATES, INC., and  
18 DOES 1 through 50, inclusive,

19 Defendant(s).

Case No.: 3:21-cv-00066-MMD-CLB

**DECLARATION OF MONICA  
SCHULZE**

20 I, Monica Schulze, hereby declare and state as follows:

21 1. I am over the age of eighteen. I am a current resident of Wadesboro, North  
22 Carolina.

23 2. I have personal knowledge of the facts and circumstances set forth in this  
24 declaration. If I was called as a witness, I would and could competently testify to the matters set  
25 forth herein.

26 3. I have been working for Wal-Mart as a non-exempt hourly paid warehouse worker  
27 in Pageland, South Carolina since in or around April 2018 ago to the present.  
28

1           4.       When I was first hired, I understood I would be paid the agreed upon hourly rate  
2 for all work activities I performed for Wal-Mart. I am currently making approximately \$27.90  
3 per hour for my work in the warehouse.

4           5.       I am regularly scheduled to work eleven hours a day, three days per week, from  
5 4:30 a.m. to 4 p.m. We were also scheduled for an unpaid half-hour lunch. While my regular  
6 schedule is usually less than 40 hours per week, I sometimes work up to 40 hours or more in a  
7 workweek, not including off-the-clock work. Wal-Mart kept track of my hours worked on-the-  
8 clock so they would have a record of all the hours that I was clocked-in to their timekeeping  
9 system.

10          6.       Wal-Mart's food distribution warehouses are divided into "dry" and "cold"  
11 sections. I work in both the dry and cold sections of the warehouse. I work the majority of the  
12 time in the cold section as a Loader, but I also work around one day per week in the dry section  
13 as an Order Filler.

14          7.       Up until this summer, Wal-Mart did not let us clock in to begin our shift until two  
15 (2) minutes before our scheduled shift time. In or around July of 2021, Wal-Mart changed its  
16 policies and practices and began allowing employees, including me, to clock in up to five (5)  
17 minutes before our scheduled shift time. Upon information and belief, I believe that Wal-Mart  
18 made the change in response to this lawsuit. However, Wal-Mart still requires that we be ready  
19 to work with all equipment at the start of our shift, and even with the expanded clock-in period,  
20 we still have to get our equipment and put on our personal protective equipment (PPE)—i.e.,  
21 freezer gear—off-the-clock prior to our shift. Also, despite changing its policies, Wal-Mart never  
22 paid us any wages or otherwise compensated us for all the time we have already spent working  
23 off-the-clock prior to their change in policy.

24          8.       Regardless of whether we are working in the dry or cold section of the warehouse,  
25 Wal-Mart requires all non-exempt hourly paid food distribution warehouse employees to be at  
26 our assigned station and ready to work at the start of our regularly scheduled shift. Wal-Mart  
27 does not allow us to clock-in to the timekeeping system until five (5) minutes—previously two  
28 (2) minutes—before our scheduled shift start time. In order to be ready to work at the shift start

1 time, and before clocking in, Wal-Mart requires us to complete work activities off-the-clock  
2 without compensation prior to the start of our shift.

3 9. For shifts that I work in the dry section as an order filler, I am first required to  
4 retrieve required equipment, such as a headset, Quick-Pick Remote (QPR), and pallet jack. I am  
5 required to scan my employee badge at the control window in order to check out the electronic  
6 equipment, and upon information and belief, I believe that Wal-Mart maintains an electronic  
7 record of the times that I check out this equipment prior to the start of my shift. The equipment  
8 that I pick up at the beginning of the day is necessary for me to do my job, and I would not be  
9 able to do my job without it. All hourly paid dry section warehouse workers in my position use  
10 this equipment throughout the workday to haul and move products as well as to inventory and  
11 label products for ultimate distribution to Wal-Mart's retail stores. If we didn't have the  
12 equipment, we would not know what products need to go where, would not know where products  
13 are located, would not be able to track where the products are or where they are going, and we  
14 would not even be able to move the products since they are located on large pallets that we can't  
15 move without the pallet jack.

16 10. I estimate that I regularly retrieve my equipment approximately fifteen (15)  
17 minutes prior to my scheduled shift (or more, before they changed the clock-in procedure) for  
18 each and every day that I work in the dry section, so that I have sufficient time to (i) check out  
19 the equipment and (ii) proceed to my station for my start-up meeting at the start of my shift. For  
20 example, since my scheduled shift starts at 4:30 a.m., I regularly arrive to the warehouse shortly  
21 after 4:00 a.m., pick up equipment that I keep in my locker around 4:10 a.m., check out the  
22 remaining electronic portion of my equipment at Control, log in to the program on my headset  
23 around 4:20-4:22, and clock in around 4:25 a.m.—the maximum allowed five (5) minutes before  
24 the start of my scheduled shift at 4:30 a.m. This process looks very similar for my work in the  
25 cold section as well. Wal-Mart does not compensate us for the time spent performing this work.  
26 This work is in addition to my regularly scheduled time, and as a result I have worked overtime  
27 over 40 hours in a week in some workweeks. Upon information and belief and through my own  
28 observations, other hourly paid Order Filler employees who I work with also work overtime off-

1 the-clock prior to the start of their shifts for Wal-Mart performing the same or similar work as  
2 described above.

3 11. For shifts that I work in the cold section as a Loader, I am similarly required to  
4 retrieve required equipment, such as a pallet jack with on board computer screen and scanning  
5 gun, prior to the start of my shift. As with my work on the dry section, this equipment is necessary  
6 for me to do my job, and I would not be able to do my job without it. In addition, when I work  
7 in the cold section, I am required to put on personal protective equipment (PPE)—i.e., freezer  
8 gear—prior to the start of my regularly scheduled shift. The cold section is the freezer/refrigerator  
9 section of the food warehouse where freezer and refrigerated items are distributed. Upon  
10 information and belief and through my own observations, Wal-Mart requires all employees who  
11 work in the cold section to wear “cold store clothing” or “freezer wear” as PPE to prevent  
12 workplace illness and injury due to the cold environment. Specifically, Wal-Mart requires me  
13 and all other employees who work in the cold section to don the same or similar PPE prior to the  
14 start of our respective shifts: RefrigiWear insulated bibs; RefrigiWear thermal jacket; Thermal  
15 hooded sweatshirt; Stocking hat; and Wool socks. Because of the low temperatures, cold section  
16 warehouse workers such as myself and other similarly situated employees cannot perform our  
17 jobs safely and/or effectively without donning this PPE.

18 12. I estimate that it regularly takes me approximately fifteen (15) minutes before my  
19 scheduled shift (or more, before they changed the clock-in procedure) to (i) pick up my required  
20 equipment, (ii) don my PPE and (iii) proceed to my station for my start-up meeting at the start of  
21 my shift, all of which has to be completed before clocking in. Wal-Mart does not compensate us  
22 for the time spent performing this work. This work is in addition to my regularly scheduled time,  
23 and as a result I have worked overtime over 40 hours in a week in some workweeks. Upon  
24 information and belief and through my own observations, other hourly paid employees who I  
25 work with also work overtime off-the-clock prior to the start of their shifts for Wal-Mart  
26 performing the same or similar work as described above.

27 13. Upon information and belief and through my own observations, Wal-Mart is  
28 aware that its non-exempt, hourly paid warehouse workers were performing the work described

1 above off-the-clock without compensation prior to the start of our shifts because Wal-Mart  
2 required all employees to perform this work, Wal-Mart supervisors watched us perform the work,  
3 and Wal-Mart nonetheless did not let us clock in until after the work was completed.

4 14. I want to be paid for all the time I spent completing required job duties off-the-  
5 clock prior to the start of my regularly scheduled shift. When I agreed to work for Wal-Mart, I  
6 agreed to be paid my regular or applicable overtime rate for each hour that I performed work  
7 activities. I never agreed to work for free. By forcing me to complete my pre-shift work activities  
8 off-the-clock, Wal-Mart has required me to work without receiving the wages that were agreed  
9 upon when I took this job.

10 I have read the forgoing statement consisting of this page and four (4) others and declare  
11 under the laws of the United States of America and the State of North Carolina that the foregoing  
12 is true and correct.

13 Executed this 22nd day of October 2021, in Wadesboro, North Carolina.

14 DocuSigned by:

15 *Monica Schulze*

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17 Monica Schulze  
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